

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

United States of America,

Plaintiff,

v.

Donta Terrell Stone Adams,

Defendant.

**MEMORANDUM OPINION
AND ORDER**

Criminal No. 18-215(1) ADM/TNL

Donta Terrell Stone Adams, pro se.

This matter is before the undersigned United States District Judge for a ruling on Defendant Donta Terrell Stone Adams' ("Adams") Second Motion for Compassionate Release [Docket No. 157]; Motion for Reconsideration [Docket No. 160]; and three Motions to Take Judicial Notice [Docket Nos. 158, 162, and 164]. All of the Motions relate to Adams' renewed request for a compassionate release sentence reduction under 18 U.S.C. § 3582(c)(1). Additionally, Adams has filed several supplemental filings in support of the request. See Docket Nos. 159, 161, 163, and 165.

Adams' first motion for compassionate release was filed in December 2020. See First Mot. Compass. Rel. [Docket No. 137]. The Court denied the motion because Adams failed to demonstrate that his medical conditions amid the COVID-19 pandemic constituted extraordinary and compelling circumstances warranting relief, and because the sentencing factors in 18 U.S.C. § 3553(a) weighed against his release. See Mem. Op. Order Denying Compass. Release [Docket No. 140]; Mem. Op. Order Denying Mot. Reconsider [Docket No. 147]. The Eighth Circuit affirmed the denial. See USCA J. [Docket No. 155]; Mandate [Docket No. 156].

In this second compassionate release motion, Adams, age 29, argues that the COVID-19

Delta variant, together with his asthma, COPD, and 10-year history of smoking, make him particularly vulnerable to severe illness or death from COVID-19. Adams also states that he has four children, and that his anxiety over their well-being lessens his chances of “fighting off” the Delta variant. See Letter [Docket No. 160] at 1.

The mother of two of Adams’ four children has filed a letter in support of his release. See Letter [Docket No. 166]. She states that one of the children has been diagnosed with autism spectrum disorder and speech impairment delay, and that Adams’ help is needed with parenting and doctor appointments.

Adams’ health conditions and the Delta variant do not constitute extraordinary and compelling reasons warranting a sentence reduction because Adams has not shown a particularized risk of contracting COVID-19 at his prison facility in Oxford, Wisconsin (“FCI-Oxford”). There are currently no active cases of COVID-19 among inmates or staff at FCI-Oxford. See Federal Bureau of Prisons, COVID-19 Coronavirus, <https://www.bop.gov/coronavirus/> (last visited Sept. 23, 2021). Additionally, 563 inmates and 77 staff members at the facility have been fully vaccinated against COVID-19. Id.

With respect to Adams’ family circumstances, the Court is sympathetic to the hardship suffered by two of Adams’ children and their mother while Adams is incarcerated, particularly given the young age of his children and a child’s special needs. Sadly, however, “hardship on the family almost always results from serious criminal conduct, and rarely rises to the level of extraordinary and compelling.” United States v. Mojica, No. 19-CR-629, 2020 WL 6746478, at *1 (S.D.N.Y. Nov. 16, 2020). The challenges faced by Adams’ younger children and their mother are no doubt difficult, but are not extraordinary and compelling.

Even if Adams could show extraordinary and compelling circumstances, nothing in Adams' second compassionate release motion alters the Court's earlier conclusion that the sentencing factors militate against his release. See Mem. Op. Order Denying Mot. Reconsider at 2. As the Court previously determined, Adams and his co-defendant possessed five pistols, a semi-automatic rifle, and a large capacity magazine in connection with their drug trafficking activities. Id. At the time he committed the instant offense, Adams was on probation for two prior state court felony offenses. Id. Releasing Adams before he has completed his 60-month sentence would not reflect the seriousness of the offense or adequately deter criminal conduct.

Based upon the foregoing, and all the files, records, and proceedings herein, **IT IS HEREBY ORDERED** that Defendant Donta Terrell Stone Adams' Second Motion for Compassionate Release [Docket No. 157]; Motion for Reconsideration [Docket No. 160]; and three Motions to Take Judicial Notice [Docket Nos. 158, 162, and 164] are **DENIED**.

BY THE COURT:

s/Ann D. Montgomery
ANN D. MONTGOMERY
U.S. DISTRICT COURT

Dated: September 23, 2021